

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

NORMAN WALKER and CHRISTINE)
BAUER-RAMAZANI on behalf of themselves)
and all others similarly situated,)

Plaintiffs,)

v.)

Docket No. 1:09-cv-190

TEACHERS INSURANCE AND ANNUITY)
ASSOCIATION OF AMERICA - COLLEGE)
RETIREMENT AND EQUITIES FUND)
(TIAA-CREF), COLLEGE RETIREMENT)
AND EQUITIES FUND, TIAA-CREF)
INVESTMENT MANAGEMENT, LLC,)
TEACHERS ADVISORS, INC., AND TIAA-)
CREF INDIVIDUAL AND INSTITUTIONAL)
SERVICES, LLC,)

Defendants.)

**DEFENDANTS' STATEMENT OF NON-OPPOSITION TO PLAINTIFFS'
MOTION FOR LEAVE TO FILE REVISED THIRD AMENDED COMPLAINT**

Defendants do not oppose plaintiff's motion for leave to file a revised Third Amended Complaint. (ECF No. 190.) In agreeing not to oppose this motion, however, Defendants expressly reserve all rights to move against the revised Third Amended Complaint, deny any allegations in it, and otherwise respond to it once plaintiff files it.

Dated: October 1, 2012

O MELVENY & MYERS LLP

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Counsel for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2012, I electronically filed Defendants' Statement of Non-Opposition to Plaintiff's Motion for Leave to File Revised Third Amended Complaint, with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Elizabeth R. Wohl
Elizabeth R. Wohl

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